

REMARKS

In response to the Office Action dated August 25, 2004, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claims 1-6 were provisionally rejected on the basis of obviousness-type double patenting, in view of claims 1-3 and 6-8 of copending Application No. 09/838,141. Since the rejection is provisional in nature, no action on the part of Applicants is believed to be necessary at this time. Once the copending application is allowed, an appropriate terminal disclaimer will be filed if the basis for the double patenting rejection still exists.

Claims 4, 5 and 6 have been amended to overcome the rejection of claims 4 and 5 under 35 U.S.C. § 112, and the objection to claim 6. The Examiner is thanked for pointing out the informalities in these claims.

Claims 1-9, 12-15, 58, 59 and 61 were rejected under 35 U.S.C. § 102, on the grounds that they were considered to be anticipated by the Spencer et al patent (US 6,633,907). All other pending claims were rejected under 35 U.S.C. § 103, in view of the Spencer patent. It is respectfully submitted, however, that the Spencer patent neither anticipates, nor otherwise suggests, the claimed subject matter.

Claim 1 recites a method for the automated provisioning of computer networks. The steps of the claimed method include, among others, those of receiving at least one command to be executed on a network device, e.g. a server, and reading parameters from a network database. Claim 1 further recites the step of "determining whether the at least one command can be properly executed *based upon the parameters read*" (emphasis added).

In rejecting claim 1, the Office Action refers to the Spencer patent at column 1, lines 60-64, as disclosing the step of receiving at least one command to be executed on a network device, and column 6, lines 22-24 as disclosing the reading of parameters from a network database. This latter portion of the patent discloses that the provisioning framework includes a data store that holds user information that is collected from the user during the process via which the user identifies the services for which its account is to be provisioned.

With respect to the claimed step of determining whether the at least one command can be properly executed based upon the parameters read from the database, the Office Action refers to the Spencer patent at column 3, lines 43-50. This portion of the patent discloses that a master object performs security buffering functions, that insulate back-end servers from a user who does not have the appropriate administrative privileges. In other words, the master object performs an access control function. The patent does not disclose, however, that the master object functions to determine whether a received command can be properly executed *based upon the parameters read from the database*. As noted above, the information stored in the database relates to the transaction that is to be performed to provision a given user's account with desired services. The patent gives examples of this type of information as the name, address and billing information for an organization, and the ISP-offered services to which the organization would like to subscribe. See, for example columns 7, lines 48-54. There is no disclosure in the Spencer patent that the master object uses this information to determine *whether* a received command can be properly executed. In other words, the patent does not

disclose any nexus between the security buffering function of the master object and information stored in the data store 218.

For at least this reason, therefore, it is respectfully submitted that the Spencer patent does not anticipate claim 1 as originally presented.

To further clarify the distinguishing features of the present invention, claim 1 has been amended to recite that the parameters that are read from a network database, to determine whether a command can be properly executed, relate to the network device on which the command is to be executed. For instance, the specification provides various examples of device-related information that is stored in the database and evaluated to determine whether a given command should be executed on a particular device. Examples of these parameters include the customer account to which the device is assigned, the VLAN with which the device is associated, and the IP address of the device. These factors are used, in turn, to determine whether particular software roles, packages, and/or programs are appropriate for the device on which the command is to be executed.

It is respectfully submitted that the Spencer patent does not disclose a device-centric approach to the determination whether a given command is to be executed on a particular network device. At best, the Spencer patent discloses that the master object determines whether a particular user has access rights to back-end servers to be provisioned. It does not disclose, however, that the master objects determine whether any particular command is appropriate for a specific device. For this additional reason, therefore, it is respectfully submitted that the subject matter of pending claim 1 is not anticipated by the Spencer patent. Furthermore, it is respectfully submitted that the amendments to claim 1 are not necessary to

distinguish the claim from the Spencer patent, since, as pointed out above, the Spencer patent does not anticipate claim 1 in its original form.

In addition to these fundamental distinctions, other differentiating features of the invention are recited in the dependent claims. For example, claim 4 recites the further steps of receiving a message from a secure provisioning network, and verifying the validity of the message by requesting verification from the secure provisioning network. In rejecting this claim, the Office Action refers to the Spencer patent at column 2, lines 29-31 and 4-6. These portions of the patent do not disclose that a message indicating a command is to be executed is received *from a secure provisioning network*, and thereafter validated by requesting verification *from the secure provisioning network*. In other words, the claim recites that the initial message is received from the secure provisioning network, and thereafter validated with that network. At column 2, lines 29-31 the Spencer patent indicates that messages are received from the *user*, rather than a secure provisioning network.

Claims 6-64 recite details of the various factors that can be employed to determine whether the received command can be properly executed on the network device. For example, claim 6 recites that the step of determining is based on reading software packaging parameters. In rejecting this claim, the Office Action refers to the Spencer patent at Figures 2 and 3, as well as column 2, lines 7-12. While these portions of the patent disclose service configuration objects that are associated with different online services, there is no disclosure that these service configuration objects are read for the purpose of *determining* whether a received command can be properly executed on the network device. Rather, the service configuration objects operate to *generate* the commands that are used to provision a

service. They are not used to determine whether a *received* command can be properly executed on a given network device. Similar distinctions apply to the approach that is used in the Office Action to reject the other dependent claims.

In summary, therefore, it is respectfully submitted that the Spencer patent does not disclose a method for the automated provisioning of a computer network in which parameters related to network devices to be provisioned are stored in a database and, thereafter, when a command to be executed on a given network device is received, determining *whether* that command can be properly executed on the network device, based upon information relating to that network device that is stored in the database. Reconsideration and withdrawal of the rejections of the claims is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 25, 2005

By: _____



James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620